

## **REMARKS**

### **Status of the Application and Claims**

All of the claims were rejected in the Final Rejection dated May 23, 2005. Applicants responded with an Amendment dated June 29, 2005. In the Advisory Action dated July 15, 2005, the Examiner did not enter the amended claims submitted in Applicants' amendment dated June 29, 2005. A RCE (Request for Continued Examination) is being submitted herewith.

In the above Listing of Claims, Claims 1- 30 and 33-37 have been canceled. In view of the Examiners remarks in the Advisory action dated July 15, 2005, Claims 31, 32, 38 – 45 have been amended to place the claims in form for allowance.

Since Applicants' Amendment dated June 29, 2005 was not entered by the Examiner, discussion and points distinguishing Applicants' invention over the cited art will be again repeated along with an additional discussion responding to the Examiner's comments in the Advisory Action.

### **Applicants' Invention**

In the Examiner's Advisory Action dated July 15, 2005, the Examiner acknowledged and appreciated Applicants' explanation of the instant invention. However, since Applicants' Amendment dated June 29, 2005 was not entered. Applicants believe that to have a complete response to the Final Rejection in this RCE, the points discussed in the Amendment are again submitted.

The amended claims are directed to a process for producing plastic molded parts in particular auto parts wherein the back-side of a substantially transparent plastic part is spray coated with an opaque lacquer coating. Typically, automotive base coatings are used and generally are required to match the color of the paint of the vehicle to which the part is attached. These parts of Applicants' process clearly are not the decorative sheet taught by Ellison et al. U.S. Reissue Patent 35,739 (hereinafter referred to as "Ellison"). Ellison teaches the forming of a decorative sheet of a clear film that has a back coating of a pigmented coating and an adhesive layer and then is formed into a plastic part by adhering this film to a plastic support substrate by known laminating and bonding techniques or by back molding a

polymer to the adhesive layer on the decorative sheet to form the plastic part. This clearly is not Applicants' invention.

A well known problem of using painted plastic automotive parts on the exterior of a vehicle, such as, bumpers, side panels and the like, is that the coating is very easily damaged e.g., by scratching, abrasion or marring and refinishing of the part is expensive even for the slightest imperfection caused by, for example, by bumping another vehicle by parking or maneuvering in a parking lot which, of course, causes insurance costs to increase. These problems have been in existence ever since painted plastic parts began to be used on vehicles. For the first time, Applicants' have devised this invention wherein the back of the plastic part is coated with a paint so that the paint will not be readily damaged and require repair. This can be seen in the Examples of the subject application. In Examples 1 and 2 plastic parts were coated on the exterior by the usually method and scratches could readily be seen on these parts. In contrast, in Examples 3 and 4, the parts were coated on the interior and the same exterior scratches could not be seen until one viewed the surface from only at a very close distance. The possibility also exists that such scratches may be buffed or sanded out of the clear plastic and thus repainting would not be required.

While Applicants' invention may appear to be quite simple, it stands to fact that no one prior to this time has used this approach to solve an industry wide problem and this invention will save consumers large dollar amounts by significantly reducing the cost of refinishing of automobile and truck parts having only minor damage.

In the Advisory Action dated July 15, 2005, the Examiners stated the following: "The examiner respectfully submits that applicant's claim language does not reflect the interpretation of the invention as set-forth at pages 5-6 of the response filed 05July 2005. Claim 31 does not require that the 'substantially transparent plastic material' and the 'plastic molded part' be one and the same." The amended claims now clearly show that the process applies a color effect producing layer on a substantially transparent plastic molded part. The amended claims submitted herewith clearly state that the molded part is the "substantially transparent molded part" and these amended claims should obviate the Examiner's objections on this point. If the Examiner still has objections to the claim language on another minor

point, Applicants' attorney requests a telephone conference with the Examiner so that any such minor objection can be readily rectified.

**Claim Rejection under 35 U.S.C. 103 (a)**

In the Final Rejection, Claims 31, 39, 42, 43 and 45 were rejected as being obvious and unpatentable in view of Ellison. Since Applicants' amendment was not entered, Applicants will again point out the patentable distinctions of their invention over Ellison. By referring to Figures 1 and 4 of Ellison, the teachings of Ellison are clearly set forth. Fig. 1 shows a decorative sheet (10) of a clear film (11) back coated with a pigmented coating (12) and an adhesive layer (13). This sheet material is then laminated or bonded to a plastic or polymer substrate that is the part and forms a protective layer on the part (see Fig. 4). The polymer substrate can also be bonded or back molded with polymer in a mold to the decorative sheet to form the part.

The Ellison teaching can be illustrated as a composite structure having the following layers:

Clear Film

Pigmented Coating

Adhesive Layer

Plastic or Polymer Substrate (which is the plastic part).

In contrast the following illustrates applicants' invention:

Substantially Transparent Plastic Part

Back Coated with a Opaque Colored Coating .

It should be evident to the Examiner that the products formed according to Ellison are completely different from those formed according to Applicants' process. Applicants do not form a decorative sheet by coating a clear film with a pigmented coating and then bond or laminated this sheet to a polymer substrate that is the plastic part or back mold polymer to the decorative sheet in three dimensional mold to form a part. As pointed out above, Applicants simply spray coat the back of a substantially transparent plastic molded part with an opaque colored lacquer. When viewing this part, one views the coating through the transparent plastic part which as pointed out above, protects the coating from damage.

It is difficult to understand how the Examiner can reach an obviousness rejection with Ellison. If the position is that the decorative sheet of Ellison (see Fig.1)

is the part that is made according to applicants' process, this is totally incorrect since Ellison clearly states that Fig. 1 is a decorative sheet material and teaches in col. 6, lines 9-35 that to form a part, the sheet must be laminated or bonded to a plastic part or placed in a mold and back molded with a polymeric material to form a part. Any person skilled in the art would know that the decorative sheet of Ellison is not an already shaped part as are the parts defined in applicants' claim 31 and the other claims. Further, applicants' claims point out that the molded part is "selected from the group consisting of bumpers, side panels, sills, mirror housing, door handles, engine bonnets, boot lids, tailgates, wings, spoilers and hub caps" which are not the decorative sheets formed according to Ellison.

The obviousness rejection based on Ellison needs to be withdrawn and the claims allowed.

Claims 31, 32 and 38 were rejected as being obvious and unpatentable in view of Ellison, supra, and Verardi et al. U.S. 6,001,469. Verardi discloses various surface treatments for plastic materials to improve adhesion of the material but does not make up for the above described deficiencies of Ellison which will not be repeated again. The rejection of the above claims based on these two references should be withdrawn.

Claim 40 was rejected as being obvious and unpatentable in view of Ellison, supra, Verardi, supra, and further view of Yaver, U.S. 4,877,657. Neither Verardi nor Yaver make up for the deficiencies of Ellison that have been pointed out above. Verardi only discloses surface treatments for plastics to improve adhesion and Yaver discloses that dyes and pigments can be incorporated into plastic materials. Applicants' previous amendment of March 7, 2005 sets forth the many deficiencies of Yaver, which will not be again repeated.

Claim 41 was rejected as being obvious and unpatentable in view of Ellison, supra, Verardi, supra and Buteux, U.S. 3,700,540. Neither Verardi nor Buteux make up for the deficiencies of Ellison discussed above. Buteux was cited to show that auxiliary substances can be added to plastic films to impart certain properties but certainly does not teach or suggest applicants' invention in combination with the other references.

The rejections of claims 40 and 41 should be withdrawn.


In the final rejection, Claim 44 was considered allowable if placed in independent form incorporating the limitations of the base claim. Claim 44 has been amended and the limitations of the base claim 31 have been incorporated therein. The claim has been directed not only including a transparent lacquer applied over the back coating but also to an opaque lacquer, a transparent non-tacky film and a non-tacky opaque film. Support for these additional items is on page 7, lines 14-23 of the specification. The Examiner's objection in the Advisory Action to the amended claim 44 submitted in response to the final rejection was that the terms used "coating" and "film" instead of "lacquer" would broaden the claim to include the adhesive layer taught by Ellison. Claim 44 has been amended to "lacquer" to avoid Ellison. The term "non-tacky film" has been used in amended Claim 44 to avoid the adhesive layer of Ellison. It is clearly not Applicants' intention to cover an adhesive layer as has been pointed out very often during the prosecution of this application. If the term is not acceptable to the Examiner, Applicants' attorney respectfully requests that the Examiner suggest another term that would be acceptable. Again, a short telephone interview can easily resolve this matter. Applicants believe that amended claim 44 should now be in allowable form.

Applicants would like to respectfully point out that this RCE is in response to the sixth office action in this application. The invention is not complex. None of the references cited in any of these office actions teach or suggest Applicants' invention. Applicants respectfully request that the Examiner take this into consideration and bring this application to a speedy conclusion by the allowance of all claims.

**SUMMARY**

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and therefore respectfully solicit a Notice of Allowance. In order to expedite disposition of the case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due that is unaccounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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